

**\*\*\* PUBLIC DOCKET \*\*\***

**U.S. District Court  
Southern District of Indiana (Indianapolis)  
CIVIL DOCKET FOR CASE #: 1:21-cv-02309-JRS-MG**

FAUCETT v. CARTAGENA et al  
Assigned to: Judge James R. Sweeney II  
Referred to: Magistrate Judge Mario Garcia  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/20/2021  
Jury Demand: Both  
Nature of Suit: 555 Prisoner Petitions -  
Prison Condition  
Jurisdiction: Federal Question

**Plaintiff****MICHAEL W. FAUCETT**

represented by **MICHAEL W. FAUCETT**  
900132  
NEW CASTLE - CF  
NEW CASTLE CORRECTIONAL  
FACILITY - Inmate Mail/Parcels  
1000 Van Nuys Road  
NEW CASTLE, IN 47362  
PRO SE

V.

**Defendant****W. CARTAGENA**

represented by **Amanda Jo Holbrook**  
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**Defendant**

**Y. FLORES**

represented by **Amanda Jo Holbrook**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Bernard Lobermann , IV**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Carlton Wayne Anker**  
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**Eric Ryan Shouse**  
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**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/20/2021	<a href="#"><u>1</u></a>	COMPLAINT against W. CARTAGENA, Y. FLORES, SHONDA HALL, filed by MICHAEL W. FAUCETT. (No fee paid with this filing) (Attachments: # <a href="#"><u>1</u></a> Envelope)(LMK) (Entered: 08/20/2021)
08/20/2021	<a href="#"><u>2</u></a>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (LMK) (Entered: 08/20/2021)
08/23/2021	<a href="#"><u>3</u></a>	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. Copy distributed to Plaintiff via US Mail. (TMC) (Entered: 08/23/2021)
08/31/2021	<a href="#"><u>4</u></a>	NOTICE OF DEFICIENCY - Your civil rights complaint has been received. You shall have through September 30, 2021, in which to correct the deficiencies as follows: You must either pay the \$402.00 filing fee for this action or demonstrate that you lack the financial ability to do so by filing a motion for leave to proceed without the prepayment

		of the filing fee ( <i>in forma pauperis</i> ). (Copy sent to plaintiff via US mail). (JRT) (Entered: 08/31/2021)
09/02/2021	<a href="#">5</a>	CONSENT to Jurisdiction to US Magistrate Judge by MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JRB) (Entered: 09/03/2021)
09/02/2021	<a href="#">6</a>	MOTION for Court Assistance, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JRB) (Entered: 09/03/2021)
09/17/2021	<a href="#">7</a>	ORDER denying <a href="#">6</a> Motion for Court Assistance - If Mr. Faucett believes that his civil rights have been violated, he may institute a new lawsuit by filing a complaint. The clerk is directed to enclose a prisoner civil rights complaint form with Mr. Faucett's copy of this Order. Copy sent to Plaintiff via US Mail. Signed by Judge Richard L. Young on 9/17/2021. (Attachments: # <a href="#">1</a> Prisoner Complaint Form) (JRB) (Entered: 09/17/2021)
09/23/2021	<a href="#">8</a>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Cover Letter, # <a href="#">2</a> Envelope)(JRB) (Entered: 09/24/2021)
09/24/2021	<a href="#">9</a>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Envelope)(JRB) (Entered: 09/27/2021)
10/07/2021	<a href="#">10</a>	ORDER granting <a href="#">8</a> and <a href="#">9</a> Motions for Leave to Proceed in forma pauperis - No initial partial filing fee is due at this time. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Richard L. Young on 10/7/2021. (JRB) (Entered: 10/07/2021)
11/03/2021	<a href="#">11</a>	MOTION to Compel, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JRB) (Entered: 11/03/2021)
11/04/2021	<a href="#">12</a>	ORDER denying <a href="#">11</a> Motion to Compel-Produce Evidence. Signed by Magistrate Judge Mario Garcia on 11/4/2021 Copy sent to Mr. Faucett via US Mail (CBU) (Entered: 11/04/2021)
12/14/2021	<a href="#">13</a>	Order Screening Complaint, Dismissing Deficient Claims, and Directing Further Proceedings - In summary, the Eighth Amendment excessive force and conditions-of-confinement claims against Sergeant Florez and Officer Cartagena shall proceed. All other claims are dismissed. This summary of claims includes all of the viable claims identified by the Court. All other claims have been dismissed. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through January 13, 2022, in which to identify those claims. The clerk is directed to terminate Shonda Hall as a defendant on the docket. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants Sergeant Florez and Officer Cartagena in the manner specified by Rule 4(d). Process shall consist of the complaint filed on August 20, 2021, dkt. <a href="#">1</a> , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry. The clerk is directed to serve the Indiana Department of Correction employees electronically. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Richard L. Young on 12/14/2021.(JRB) (Entered: 12/14/2021)
12/14/2021	<a href="#">14</a>	NOTICE of Lawsuit & Waiver Issued by Clerk as to 1) W. Cartagena; and 2) Y. Florez. (JRB) (Entered: 12/14/2021)
12/14/2021	<a href="#">15</a>	Documents to be Sent via Electronic Notice - re <a href="#">13</a> Order, <a href="#">1</a> Complaint, <a href="#">14</a> NOTICE of Lawsuit & Waiver Issued by Clerk Electronic Notice to IDOC. (JRB) (Entered: 12/14/2021)

12/16/2021	<a href="#">16</a>	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Michael W. Faucett. Copy/Copies provided via US Mail. (Attachments: # <a href="#">1</a> Envelope, # <a href="#">2</a> Public Docket Sheet) (AAS) (Entered: 12/17/2021)
01/13/2022	<a href="#">17</a>	NOTICE of Appearance by Conner Ross Dickerson on behalf of Defendants W. CARTAGENA, Y. FLOREZ. (Dickerson, Conner) (Entered: 01/13/2022)
01/13/2022	<a href="#">18</a>	WAIVER OF SERVICE Returned Executed, filed by Y. FLOREZ, W. CARTAGENA. Y. FLOREZ waiver sent on 12/14/2021; W. CARTAGENA waiver sent on 12/14/2021. (Dickerson, Conner) (Entered: 01/13/2022)
02/14/2022	<a href="#">19</a>	ANSWER to <a href="#">1</a> Complaint <i>and Affirmative Defenses</i> , filed by W. CARTAGENA, Y. FLOREZ.(Dickerson, Conner) (Entered: 02/14/2022)
02/15/2022	<a href="#">20</a>	ORDER SETTING PRETRIAL SCHEDULE AND DISCUSSING DISCOVERY IN PRISONER LITIGATION: This Order sets the schedule for how this action shall proceed. Part I sets forth the pretrial deadlines. Part II discusses various aspects of discovery. Facilitating the discovery process can be difficult, and this Order is issued in an effort to help explain and streamline the process for the parties. The parties should carefully read this Order. *SEE ORDER FOR ADDITIONAL INFORMATION*. Dispositive Motions due by 9/15/2022. Discovery due by 8/15/2022. Signed by Magistrate Judge Mario Garcia on 2/15/2022 Copy sent to Mr. Faucett via US Mail (CBU) (Entered: 02/15/2022)
04/18/2022	<a href="#">21</a>	NOTICE of Substitution of Appearance by Bernard John Lobermann, IV replacing <i>Conner R. Dickerson</i> on behalf of W. CARTAGENA, Y. FLOREZ (Lobermann, Bernard) (Entered: 04/18/2022)
04/18/2022	<a href="#">22</a>	MOTION for Extension of Time to 5/9/2022 <i>to Produce Initial Disclosures</i> , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Lobermann, Bernard) (Entered: 04/18/2022)
04/28/2022	<a href="#">23</a>	ORDER - granting <a href="#">22</a> Motion for Extension of Time. The deadline for Defendants' to produce initial disclosures is enlarged up to and including May 9, 2022. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 4/28/2022. (NAD) (Entered: 04/28/2022)
05/02/2022	<a href="#">24</a>	MOTION for Extension of Time to May 23, 2022 in which to <a href="#">23</a> Order on Motion for Extension of Time to File <i>Produce Initial Disclosures</i> , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Lobermann, Bernard) (Entered: 05/02/2022)
05/03/2022	<a href="#">25</a>	ORDER - granting Defendants' <a href="#">24</a> Motion for Extension of Time. Defendants shall serve their initial disclosures on or before May 23, 2022. Further enlargements of this deadline are not anticipated. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 5/3/2022. (NAD) (Entered: 05/04/2022)
05/06/2022	<a href="#">26</a>	REQUEST for Production and Interrogatories, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JRB) (Entered: 05/09/2022)
05/23/2022	<a href="#">27</a>	NOTICE of Appearance by Amanda Jo Holbrook on behalf of Defendants W. CARTAGENA, Y. FLOREZ. (Holbrook, Amanda) (Entered: 05/23/2022)
05/23/2022	<a href="#">28</a>	NOTICE of Service of Initial Disclosures , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Holbrook, Amanda) (Entered: 05/23/2022)

06/03/2022	<a href="#">29</a>	MOTION to Compel, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JRB) (Entered: 06/06/2022)
06/06/2022	<a href="#">30</a>	MOTION for Extension of Time to June 20, 2022 <i>to Respond to Request for Production and Subpoena</i> , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Holbrook, Amanda) (Entered: 06/06/2022)
06/07/2022	<a href="#">31</a>	ORDER denying <a href="#">29</a> Motion to Compel and granting <a href="#">30</a> Motion for Extension of Time to 6/20/2022 to respond to the request for production and subpoenas. The clerk is directed to update the plaintiff's address to be consistent with the address in the distribution list, below. Signed by Magistrate Judge Mario Garcia on 6/7/2022 Copy sent to Mr. Faucett via US Mail (CBU) (Entered: 06/08/2022)
06/27/2022	<a href="#">32</a>	ORDER OF RECUSAL. Clerk is directed to randomly reassign case and notify parties of newly assigned Judge. Signed by Judge Richard L. Young on 6/27/2022. (TMD) (Entered: 06/27/2022)
06/27/2022	<a href="#">33</a>	NOTICE of Reassignment of Case to Judge James R. Sweeney II. Judge Richard L. Young is no longer assigned to this case. Please include the new case number, <b>1:21-cv-2309-JRS-MG</b> , on all future filings in this matter. (DJH) (Entered: 06/27/2022)
07/14/2022	<a href="#">36</a>	MOTION to Request Correctional Officers to Testify on Plaintiff's Behalf, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 07/18/2022)
07/14/2022	<a href="#">37</a>	Submission Witnesses, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 07/18/2022)
07/14/2022	<a href="#">38</a>	DISCOVERY, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 07/18/2022)
07/15/2022	<a href="#">34</a>	MOTION to Take Deposition from Michael W. Faucett , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Holbrook, Amanda) (Entered: 07/15/2022)
07/15/2022	<a href="#">35</a>	NOTICE of Settlement Conference and Dispositive Motion, filed by Defendants W. CARTAGENA, Y. FLOREZ, re <a href="#">20</a> Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation. (Holbrook, Amanda) (Entered: 07/15/2022)
07/18/2022	<a href="#">39</a>	ORDER granting Defendants' <a href="#">34</a> Motion to Take Deposition from MICHAEL W. FAUCETT. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 7/18/2022. (SWM) (Entered: 07/19/2022)
07/22/2022	<a href="#">40</a>	ORDER Grant in Part and Denying in Part Motion to Direct Correctional Officers to Testify - Mr. Faucett's motion, dkt. [ <a href="#">36</a> ], is granted to the extent that the Court orders that defendant Cartagena shall respond to page 2 of dkt. 37 as if it were a properly served set of interrogatories. The motion is in all other respects denied. See Order for additional information. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 7/22/2022. (SWM) Modified on 7/25/2022 (SWM). (Entered: 07/25/2022)
08/04/2022	<a href="#">41</a>	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants W. CARTAGENA, Y. FLOREZ. (Shouse, Eric) (Entered: 08/04/2022)
08/05/2022	<a href="#">42</a>	SCHEDULING ORDER-TELEPHONIC Status Conference set for 9/2/2022 at 9:30 AM (Eastern) before Magistrate Judge Mario Garcia to discuss case status. Plaintiff is to appear via telephone. An Order to Make Inmate Available shall issue by separate entry.



		Counsel shall attend the status conference by calling the designated telephone number, to be provided by the Court via email generated by the Court's ECF system. Signed by Magistrate Judge Mario Garcia on 8/5/2022 Copy sent to Mr. Faucett via US Mail (CBU) (Entered: 08/08/2022)
08/05/2022	<a href="#">43</a>	ORDER to Make Inmate Available - via Telephone. Warden of WABASH VALLEY CORRECTIONAL FACILITY ordered to make MICHAEL W. FAUCETT Available - via Telephone for court proceeding on 9/2/2022. Signed by Magistrate Judge Mario Garcia on 8/5/2022 Copy sent to Mr. Faucett via US Mail (CBU) (Entered: 08/08/2022)
08/08/2022	<a href="#">44</a>	NOTICE of Appearance by Carlton Wayne Anker on behalf of Defendants W. CARTAGENA, Y. FLOREZ. (Anker, Carlton) (Entered: 08/08/2022)
08/15/2022	<a href="#">45</a>	MOTION for Subpoenas, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JDC) (Entered: 08/17/2022)
08/18/2022	<a href="#">46</a>	NOTICE of Change of Address for MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope) (JDC) (Entered: 08/19/2022)
08/19/2022	<a href="#">47</a>	ORDER denying <a href="#">45</a> Motion for subpoenas. Signed by Magistrate Judge Mario Garcia on 8/19/2022 Copy sent to Mr. Faucett via US Mail (CBU) (Entered: 08/19/2022)
08/29/2022	<a href="#">49</a>	ORDER to Make Inmate Available - via Telephone. Warden of PENDLETON CORRECTIONAL FACILITY ordered to make MICHAEL W. FAUCETT Available - via Telephone for court proceeding on 9/2/2022. Signed by Magistrate Judge Mario Garcia on 8/29/2022 Copy sent to Mr. Faucett via US Mail-CRD made distribution to the Warden(CBU) (Entered: 08/29/2022)
09/06/2022	<a href="#">50</a>	MINUTE ORDER for proceedings held before Magistrate Judge Mario Garcia: Status Conference held on 9/2/2022. he parties discussed the status of this case and the possibility of a settlement conference. The Court sua sponte initiated settlement discussions and held ex parte conversations about settlement with both sides. The parties will continue settlement discussions. To facilitate those discussions, the summary-judgment deadline is extended up to and including September 30, 2022. In addition, this matter is scheduled for another telephonic status conference on Monday, December 5, 2022, at 9:30 a.m. (Eastern). Plaintiff shall attend via telephone. An Order to Make Inmate Available shall issue by separate entry. The clerk is directed to enclose a copy of the following with Mr. Faucett's copy of this Order: (1) a blank form motion for assistance with recruiting counsel; and (2) Order Setting Pretrial Schedule, dkt. <a href="#">20</a> . If Mr. Faucett would like the Court to consider appointing counsel to represent him, he should complete and return the form motion for assistance with recruiting counsel. Copies to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia. (NAD) (Entered: 09/06/2022)
09/06/2022	<a href="#">51</a>	ORDER to Make Inmate Available - via Telephone. Warden of PENDLETON CORRECTIONAL FACILITY ordered to make MICHAEL W. FAUCETT Available - via Telephone for court proceeding on 12/5/2022. Signed by Magistrate Judge Mario Garcia on 9/6/2022 Copy sent to Mr. Faucett via US Mail (CBU) (Entered: 09/07/2022)
09/27/2022	<a href="#">52</a>	MOTION for Summary Judgment , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Shouse, Eric) (Entered: 09/27/2022)
09/27/2022	<a href="#">53</a>	Designation of Evidence re <a href="#">52</a> MOTION for Summary Judgment , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Attachments: # <a href="#">1</a> Exhibit A - Deposition of Faucett) (Shouse, Eric) (Entered: 09/27/2022)

09/27/2022	<a href="#">54</a>	BRIEF/MEMORANDUM in Support re <a href="#">52</a> MOTION for Summary Judgment , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Shouse, Eric) (Entered: 09/27/2022)
09/27/2022	<a href="#">55</a>	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendants W. CARTAGENA, Y. FLOREZ (Shouse, Eric) (Entered: 09/27/2022)
10/03/2022	<a href="#">56</a>	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JDC) (Entered: 10/04/2022)
10/17/2022	<a href="#">57</a>	MOTION for Jury Trial, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JDC) (Entered: 10/18/2022)
10/18/2022	<a href="#">58</a>	ORDER ON PLAINTIFF'S MOTION FOR JURY TRIAL - Plaintiff Michael W. Faucett has filed a "Motion to Set Jury Trial Up" in which he asks the Court to set this matter for a jury trial. Dkt. 57. Mr. Mullis's motion for jury trial, dkt. <a href="#">57</a> , is granted to the extent that if this action proceeds to trial, the trial will be scheduled as a jury trial. Mr. Faucett timely demanded a jury trial in his complaint, dkt. 1 at 6, and the Court's docket currently reflects that Mr. Faucett has demanded a jury trial. See Fed. R. Civ. P. 38 ("a party may demand a jury trial by... serving the other parties with a written demand-- which may be included in a pleading--no later than 14 days after the last pleading directed to the issue is served[.]"). The Court also notes that Judge Richard L. Young is no longer assigned to this case. See dkt. 32, 33. Therefore, all future submissions should bear the proper case number, which is 1:21-cv-2309- JRS-MG. The clerk is directed to enclose a copy of the public docket sheet with Mr. Faucett's copy of this Order. (Copy to Plaintiff via U.S. mail). Signed by Judge James R. Sweeney II on 10/18/2022. (JDC) (Entered: 10/18/2022)
10/20/2022	<a href="#">59</a>	MOTION for Extension of Time to Respond to dkt. <a href="#">52</a> , filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Envelope)(JDC) (Entered: 10/21/2022)
10/24/2022	<a href="#">60</a>	ORDER granting <a href="#">59</a> Motion for Extension of Time to 11/14/2022 to respond to Defendants' pending motion for summary judgment. Signed by Magistrate Judge Mario Garcia on 10/24/2022 Copy sent to Mr. Faucett via US Mail (CBU) (Entered: 10/25/2022)
11/14/2022	<a href="#">61</a>	MOTION for Judge to be Provided with Color Photos, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JDC) (Entered: 11/15/2022)
11/14/2022	<a href="#">62</a>	RESPONSE and Objection re <a href="#">52</a> MOTION for Summary Judgment , filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Envelope)(JDC) Modified on 12/21/2022 (CBU)-***FOR THE COLOR PHOTOS SEE DOCKET ENTRY 67-1*** (Entered: 11/15/2022)
11/22/2022	<a href="#">63</a>	REPLY in Support of Motion re <a href="#">52</a> MOTION for Summary Judgment , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Shouse, Eric) (Entered: 11/22/2022)
12/05/2022	<a href="#">65</a>	MINUTE ORDER for proceedings held before Magistrate Judge Mario Garcia: Status Conference held on 12/5/2022. Mr. Faucett's motion to be provided with color photographs, dkt. <a href="#">61</a> , is granted to the extent that Defendants' counsel agreed to provide Mr. Faucett with color copies of the photographs Defendants provided to Mr. Faucett during discovery. This matter is scheduled for another telephonic status conference on Tuesday, March 21, 2023, at 2:00 p.m. (Eastern). Plaintiff shall attend via telephone. An Order to Make Inmate Available shall issue by separate entry. (See Order.) Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia. (NAD)

		(Entered: 12/05/2022)
12/05/2022	<a href="#">66</a>	ORDER to Make Inmate Available - via Telephone. Warden of PENDLETON CORRECTIONAL FACILITY ordered to make MICHAEL W. FAUCETT Available - via Telephone for court proceeding on 3/21/2023. Copies via US Mail per distribution list. Signed by Magistrate Judge Mario Garcia on 12/5/22.(NAD) (Entered: 12/05/2022)
12/16/2022	<a href="#">67</a>	MOTION to Substitute Pictures, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Envelope)(JDC) (Entered: 12/16/2022)
12/21/2022	<a href="#">68</a>	ORDER granting <a href="#">67</a> Motion to substitute color pictures. The color photographs in the record as dkt. 67-1 are substituted for the black and white photographs in the record as pages 18 through 23 of dkt. 62-1. Signed by Magistrate Judge Mario Garcia on 12/21/2022 Copy sent to Mr. Faucett via US Mail (CBU) (Entered: 12/21/2022)
01/04/2023	<a href="#">69</a>	ORDER DENYING WITHOUT PREJUDICE MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL -Mr. Faucett's motion for assistance recruiting counsel, dkt. <a href="#">56</a> is denied without prejudice. If Mr. Faucett makes reasonable attempts to recruit pro bono counsel on his own or can show that he is effectively precluded from doing so, he may file a renewed motion. The Court will remain alert to changes in circumstances that may warrant reconsideration of the motion, such as a settlement conference or trial. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 1/4/2023. (KAA) (Entered: 01/04/2023)
02/03/2023	<a href="#">70</a>	MOTION for Balance of Fees Due, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JRB) (Entered: 02/06/2023)
02/23/2023	<a href="#">71</a>	Order Granting Motion for Balance of Fees Due - Plaintiff's motion for balance of fees due, dkt. <a href="#">70</a> , is granted to the extent that the Court explains that Plaintiff owes the entire \$350.00 filing fee in this case. Checks should be made payable to "The Clerk of the U.S. District Court" and mailed to Birch Bayh Federal Building & U.S. Courthouse, 46 East Ohio Street, Indianapolis, IN 46204. Signed by Magistrate Judge Mario Garcia on 2/23/2023. Copy to Plaintiff via US mail. (JSR) (Entered: 02/24/2023)
03/23/2023	<a href="#">73</a>	MINUTE ORDER for proceedings held before Magistrate Judge Mario Garcia: Status Conference held on 3/21/2023. The Court ordered that the defendants respond to Mr. Faucett's updated settlement demand on or before March 31, 2023, and send a copy of their response to the undersigned's chambers email account, MJGarcia@insd.uscourts.gov. In addition, this matter is scheduled for another telephonic status conference on Monday, June 26, 2023, at 3:30 p.m. (Eastern). Plaintiff shall attend via telephone. An Order to Make Inmate Available shall issue by separate entry. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia. (NAD) (Entered: 03/23/2023)
03/23/2023	<a href="#">74</a>	ORDER to Make Inmate Available - via Telephone. Warden of PENDLETON CORRECTIONAL FACILITY ordered to make MICHAEL W. FAUCETT Available - via Telephone for court proceeding on 6/26/2023. Copies via US Mail per distribution list. Signed by Magistrate Judge Mario Garcia on 3/23/23.(NAD) (Entered: 03/23/2023)
03/27/2023	<a href="#">75</a>	MOTION to Dismiss <a href="#">52</a> Motion for Summary Judgment, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(AKH) (Entered: 03/28/2023)
03/27/2023	<a href="#">77</a>	MOTION to Dismiss, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(JDC) (Entered: 03/30/2023)



03/29/2023	<a href="#">76</a>	RESPONSE in Opposition re <a href="#">75</a> MOTION to Dismiss , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Shouse, Eric) (Entered: 03/29/2023)
03/31/2023	<a href="#">78</a>	ORDER denying <a href="#">77</a> Motion to Remove Magistrate Judge: In summary, while the Court is ever mindful of the importance of preserving the impartiality of the judicial system, see Weddington v. Zatecky, 721 F.3d 456, 461 (7th Cir. 2013), Mr. Faucett's allegations do not warrant removing the Magistrate Judge from this case. Nothing in his motion suggests that the Magistrate Judge's impartiality may reasonably be questioned. Nor has he come forward with any evidence that the Magistrate Judge harbors personal bias or prejudice toward him. For all of these reasons, Mr. Faucett's motion, dkt. <a href="#">77</a> , is denied. See Order for details. Signed by Judge James R. Sweeney II on 3/31/2023. Copy mailed per Distribution list. (LF) (Entered: 03/31/2023)
03/31/2023	<a href="#">79</a>	ORDER denying <a href="#">75</a> to Dismiss Motion for Summary Judgment: Plaintiff's motion, dkt. <a href="#">75</a> , is denied. The Court will not consider Plaintiff's motion when it decides Defendants' motion for summary judgment. The clerk is directed to enclose copies of the following with Plaintiff's copy of this Order: (1) letter, pages 2 through 4 of dkt. <a href="#">62</a> ; (2) "Discovery" statement, pages 1 through 3 of dkt. [62-1]; and ((3) annotated summary judgment brief, pages 24 through 33 of dkt. [62-1]. See Order. Signed by Judge James R. Sweeney II on 3/31/2023. Copy mailed per Distribution list. (Attachments: # <a href="#">1</a> Letter pages 2-4 Dkt 62, # <a href="#">2</a> Discovery Statement pages 1-3 Dkt 62-1, # <a href="#">3</a> Pages 24-33 Dkt 62-1) (LF) (Entered: 03/31/2023)
04/07/2023	<a href="#">80</a>	MOTION for Court Order, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(DWH) (Entered: 04/10/2023)
04/07/2023	<a href="#">81</a>	MOTION (Letter) for Status of Motion for Summary Judgment, filed by Plaintiff MICHAEL W. FAUCETT. (Attachments: # <a href="#">1</a> Envelope)(DWH) (Entered: 04/10/2023)
04/19/2023	<a href="#">82</a>	ORDER granting <a href="#">81</a> Motion for Status Update to the extent that the Court explains that Defendants' summary judgment motion is fully briefed and will be decided by the Court in due course. Copy sent to plaintiff via US mail. Signed by Judge James R. Sweeney II on 4/19/2023. (TPS) (Entered: 04/19/2023)
04/20/2023	<a href="#">83</a>	ORDER Directing Response to Motion - Plaintiff has filed a motion alleging that Defendants failed to respond to his updated settlement demand by March 31, 2023, as ordered by the Court. Dkt. 80. Defendants shall respond to Plaintiff's motion and--if they have not already done so--his updated settlement demand on or before April 28, 2023. By that same date, Defendants shall send a copy of their response to Plaintiff's updated settlement demand to the undersigned's chambers email account, MJGarcia@insd.uscourts.gov. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 4/20/2023.(SWM) (Entered: 04/21/2023)
04/24/2023	<a href="#">84</a>	RESPONSE in Opposition re <a href="#">80</a> MOTION , filed by Defendants W. CARTAGENA, Y. FLOREZ. (Shouse, Eric) (Entered: 04/24/2023)
04/26/2023	<a href="#">85</a>	ORDER on Motion for Court Order - Plaintiff's motion for Court order, dkt. [ <a href="#">80</a> ], is granted to the extent that the Court notes that Defendants' counsel represents that they sent him a response to his updated settlement demand on March 29, 2023, and that they have now sent him another copy of that response. Dkt. 84. To the extent that the motion seeks any other relief, it is denied. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 4/26/2023. (SWM) (Entered: 04/27/2023)

05/01/2023	<a href="#">86</a>	NOTICE of Change of Address for MICHAEL W. FAUCETT to New Castle CF. (Attachments: # <a href="#">1</a> Envelope) (JRB) (Entered: 05/02/2023)
05/08/2023	<a href="#">87</a>	SCHEDULING ORDER HON. MAGISTRATE JUDGE MARIO GARCIA: Due to a scheduling conflict, the Court sua sponte vacates the telephonic Status Conference set on Monday, June 26, 2023 at 3:30 p.m. (Eastern) and RESCHEDULES to Friday, June 30, 2023 at 11:30 a.m. (Eastern). Plaintiff shall attend via telephone and an Order to Make Inmate Available will issue by separate entry. Counsel shall attend the conference by calling the designated phone number, to be provided by the Court via email generated by the Court's ECF system. See Order. Signed by Magistrate Judge Mario Garcia on 5/8/2023.(Copy mailed to Plaintiff.) (LF) (Entered: 05/08/2023)
05/08/2023	<a href="#">88</a>	ORDER to Make Inmate Available - via Telephone. Warden of New Castle Correctional Facility ordered to make Michael W Faucett Available - via Telephone for court proceeding on 6/30/2023 at 11:30am. See Order. Signed by Magistrate Judge Mario Garcia on 5/8/2023.(Copies mailed per Distribution list.)(LF) (Entered: 05/08/2023)
06/30/2023	<a href="#">90</a>	MINUTE ORDER for Telephonic Status Conference held before Magistrate Judge Mario Garcia on 6/30/2023. See Minute Order for further information. Signed by Magistrate Judge Mario Garcia. (BAS) (Entered: 06/30/2023)
08/07/2023	<a href="#">91</a>	Mail Returned as undeliverable. <a href="#">90</a> Status Conference sent to MICHAEL W. FAUCETT. ((Return to Sender Attempted Not Known Unable to Forward) (CKM) (Entered: 08/08/2023)
08/17/2023	<a href="#">92</a>	ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND DIRECTING FURTHER PROCEEDINGS - Defendants' motion for summary judgment, dkt. <a href="#">52</a> , is granted as to Mr. Faucett's conditions-of-confinement claims and denied as to his excessive-force claims. As a result, final judgment will not issue at this time. Mr. Faucett's excessive-force claims will be resolved by settlement or trial, if necessary. The Court sua sponte reconsiders its previous denial of Mr. Faucett's motion for assistance with recruiting counsel, dkt. <a href="#">69</a> , and grants that motion to the extent that the Court will attempt to recruit counsel to represent Mr. Faucett. The Court will inform the parties when the recruitment process is complete. The Court requests that the assigned magistrate judge hold a telephonic status conference once counsel is appointed. The clerk is directed to update the docket to reflect that the proper spelling of the name of the defendant identified as "Y. Florez" is "Y. Flores." (See Order.) Signed by Judge James R. Sweeney II on 8/17/2023. Copy to Plaintiff via US mail. (JSR) (Entered: 08/17/2023)

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